IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3005 OF 2004

IN

SUIT NO. 1664 OF 1981

V. P. Sampat & Anr. ..Plaintiffs

versus

Smt. R. P. Sampat & Ors. ..Defendants

Mr. Prakash Ganwani i/b. P. S. Shah for the Plaintiffs.

Mr. Ramesh Dhanuka for the Defendants.

CORAM : D. G. DESHPANDE,J.

DATE : 1ST DECEMBER,2004.

P.C. :

. Heard learned counsel for the parties. This is plaintiffs notice of motion for restoration of the suit which was dismissed due to the absence of the plaintiffs on 12.8.2004. The notice of motion is strongly opposed by the defendants counsel on the ground that earlier also the suit was dismissed before The Prothonotary & Senior Master and further there is delay of one month and 25 days.

. However, looking to the facts of the case

and that the suit is pending since 1981, this notice of motion is allowed. Suit is restored to file with all undertakings, subject to the plaintiffs paying cost of Rs.5,000/= (Rupees Five Thousand only) to the defendants. Costs to be paid within two weeks. Payment of cost condition precedent.

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